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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,769	06/29/2000	Richard A. Balch	11-ME-472	6990

7590 11/12/2003
Armstrong Teasdale LLP
One Metropolitan Square Suite 2600
St Louis, MO 63102

EXAMINER

BARBEE, MANUEL L

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicati n No.

09/606,769

Applicant(s)

BALCH ET AL.

Examiner

Manuel L. Barbee

Art Unit

2857

--The MAILING DATE of this c mmunication appears on the cov r sheet with the correspondence address --

THE REPLY FILED 30 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1,3-31 and 33-60.

Claim(s) objected to: 22,23,29,52,53 and 59.

Claim(s) rejected: 19-21,24-28,30,49-51,54-58 and 60.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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Continuation of 2. NOTE: Claims 19, 24, 49 and 54 contain new limitations for the first voltage source generating multiple voltages and changing a metering form type of the meter in response to a change in at least one of the multiple voltages, which would require further consideration and search.

Continuation of 5. does NOT place the application in condition for allowance because: Arguments for claims 21 and 51 were not persuasive. Claim 21 contains limitations for controlling the meter using a first program in a first memory to generate metering quantities for a voltage source, writing a second program into a second portion of the memory and switching control of the meter to the second program when the second program has been written to the second portion of the memory. As discussed the previous Office Action, Pyle et al. teach a first section for storing main functionality firmware and a second section for storing boot code (col. 2, lines 18-37). A writing program is executed in the second memory to copy external firmware to the first memory and then control may be switched to the firmware (col. 4, lines 14, 15). Claims 28 and 58 contain limitations for checking whether a pending action was scheduled for a period boundary crossed by a power failure. Atherton et al. (US Patent No. 5,270,949) teaches checking a register value for a known mode (col. 2, lines 38-45), as shown in the previous Office Action. As shown in the other Atherton et al. (US Patent No. 5,315,235), a register can contain a task table for changing modes (col. 2, lines 54-58). Therefore checking the register for a mode could include checking for an action that was scheduled before a power failure in a combination of the two Atherton et al. patents.